

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 125

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “circumstances;” insert “providing for the appointment of a Director of the Internal Investigative Unit; requiring that a certain notification be made when exercising certain power under certain circumstances; providing for certain immunities, exemptions, and employment status of members of the Internal Investigative Unit under certain circumstances;”.

AMENDMENT NO. 2

On page 10, in line 34, strike “(I)”.

On page 11, in line 3, strike “(II)” and substitute “(C) (1)”; in line 5, strike “THESE POWERS ON ANY OTHER PROPERTY” and substitute “THE POWERS GRANTED IN THIS SECTION ON PROPERTY THAT IS NOT OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; in lines 6, 8, 10, 13, 16, 20, and 25, strike “1.”, “2.”, “3.”, “4.”, “5.”, “6.”, and “7.”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively; in line 17, after “DEPARTMENT” insert “OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; after line 25, insert:

“(2) WHEN ACTING UNDER THE AUTHORITY GRANTED IN THIS SUBSECTION, THE FOLLOWING NOTIFICATIONS OF AN INVESTIGATION OR ENFORCEMENT ACTION SHALL BE MADE:

(I) WHEN IN AN INCORPORATED MUNICIPALITY, TO THE CHIEF OF POLICE, IF ANY, OR THE CHIEF’S DESIGNEE;

(II) WHEN IN A COUNTY THAT HAS A COUNTY POLICE

(Over)

DEPARTMENT, TO THE CHIEF OF POLICE OR THE CHIEF'S DESIGNEE;

(III) WHEN IN A COUNTY WITHOUT A POLICE DEPARTMENT, TO THE SHERIFF OR THE SHERIFF'S DESIGNEE;

(IV) WHEN IN BALTIMORE CITY, TO THE POLICE COMMISSIONER OR THE POLICE COMMISSIONER'S DESIGNEE;

(V) WHEN ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES, TO THE SECRETARY OF NATURAL RESOURCES OR THE SECRETARY'S DESIGNEE;

(VI) WHEN ON ANY PROPERTY OWNED, LEASED, OR OPERATED BY OR UNDER THE CONTROL OF THE MARYLAND TRANSPORTATION AUTHORITY, THE MARYLAND AVIATION ADMINISTRATION, OR THE MARYLAND PORT ADMINISTRATION, TO THE RESPECTIVE CHIEF OF POLICE OR THE CHIEF'S DESIGNEE;  
AND

(VII) UNLESS THERE IS AN AGREEMENT OTHERWISE WITH THE DEPARTMENT OF STATE POLICE, TO THE DEPARTMENT OF STATE POLICE BARRACK COMMANDER OR DESIGNEE.

(3) THE NOTIFICATION REQUIRED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE MADE:

(I) IN ADVANCE, IF PRACTICABLE; OR

(II) IF ADVANCE NOTIFICATION IS NOT PRACTICABLE, AS SOON AS POSSIBLE AFTER THE EXERCISE OF THE POWERS.

(4) WHEN ACTING UNDER THE AUTHORITY GRANTED IN THIS SUBSECTION, A MEMBER OF THE INTERNAL INVESTIGATIVE UNIT SHALL HAVE ALL THE IMMUNITIES FROM LIABILITY AND EXEMPTIONS AS THAT OF A STATE POLICE OFFICER IN ADDITION TO ANY OTHER IMMUNITIES AND EXEMPTIONS TO WHICH THE MEMBER MAY OTHERWISE BE ENTITLED.

(5) A MEMBER OF THE INTERNAL INVESTIGATIVE UNIT WHO USES THE AUTHORITY GRANTED IN THIS SUBSECTION SHALL AT ALL TIMES AND FOR ALL

PURPOSES REMAIN AN EMPLOYEE OF THE INTERNAL INVESTIGATIVE UNIT.”; and in line 26, strike “(C)” and substitute “(D)”.